

No. 166

AN ACT

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," prohibiting persons under fourteen years of age from operating certain tractors and other equipment except under limited circumstances.

The Vehicle
Code.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 602, act
of April 29,
1959, P. L. 58,
amended.

Section 1. Section 602, act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," is amended to read:

Section 602. Persons Exempt from License.—Every person in the service of the Federal Government or in the service of the Pennsylvania National Guard, when furnished with a driver's permit, and when operating an official motor vehicle or tractor in such service, shall be exempt from license under this act. Every person operating a tractor *or any motorized self-propelled equipment* not required to have registration under this act, shall also be exempt from obtaining an operator's license. *The provisions of this section eliminating the requirement of a license for persons operating certain tractors and equipment shall not apply to persons under fourteen (14) years of age, except on those one and two lane highways which bisect or immediately adjoin the premises upon which the operator resides.*

APPROVED—The 8th day of June, A. D. 1961.

DAVID L. LAWRENCE

No. 167

AN ACT

Authorizing counties, cities, boroughs, incorporated towns and townships to create historic districts within their geographic boundaries; providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts.

Board of
Historical
Architectural
Review.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Definitions.

Section 1. The term "governing body," as used in this act, shall mean the board of commissioners of any county, the council of any city, except cities of the first

class, the council of any borough or incorporated town, the board of commissioners of any township of the first class and the board of supervisors of any township of the second class.

The term "executive authority," as used in this act, shall mean the chairman of the board of commissioners of any county, the mayor of any city, except cities of the first class, the president of council of any borough or incorporated town, the president of the board of commissioners of any township of the first class and the chairman of the board of supervisors of any township of the second class.

Section 2. For the purpose of protecting those historical areas within our great Commonwealth, which have a distinctive character recalling the rich architectural and historical heritage of Pennsylvania, and of making them a source of inspiration to our people by awakening interest in our historic past, and to promote the general welfare, education and culture of the communities in which these distinctive historical areas are located, all counties, cities except cities of the first class, boroughs, incorporated towns and townships, are hereby authorized to create and define, by ordinance, a historic district or districts within the geographic limits of such political subdivisions. No such ordinance shall take effect until the Pennsylvania Historical and Museum Commission has been notified, in writing, of the ordinance and has certified, by resolution, to the historical significance of the district or districts within the limits defined in the ordinance, which resolution shall be transmitted to the executive authority of the political subdivision.

Creation of
historic district.

Certification of
district.

Section 3. The governing body of the political subdivision is authorized to appoint a Board of Historical Architectural Review upon receipt of the certifying resolution of the Pennsylvania Historical and Museum Commission. The board shall be composed of not less than five members of whom a majority shall be residents of the historic district. One member of the board shall be a registered architect, one member shall be a licensed real estate broker, one member shall be a building inspector, and the remaining members shall be persons with knowledge of and interest in the preservation of historic districts. A majority of the board shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the board. The board shall give counsel to the governing body of the county, city, borough, town or township, regarding the advisability of issuing any certificate which the governing body may issue pursuant to this act.

Creation of
Board of
Historical
Architectural
Review.

Composition of
board.

Power of governing body to certify appropriateness.

Section 4. (a) Any governing body shall have the power and duty to certify to the appropriateness of the erection, reconstruction, alteration, restoration, demolition or razing of any building, in whole or in part, within the historic district or districts within the political subdivision. Any agency charged by law or by local ordinance with the issuance of permits for the erection, demolition or alteration of buildings within the historic district shall issue no permit for any such building changes until a certificate of appropriateness has been received from the governing body.

Factors to consider appropriateness.

(b) Any governing body in determining whether or not to certify to the appropriateness of the erection, reconstruction, alteration, restoration, demolition or razing of a building, in whole or in part, shall consider the effect which the proposed change will have upon the general historic and architectural nature of the district. The governing body shall pass upon the appropriateness of exterior architectural features which can be seen from a public street or way, only, and shall consider the general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings and structures in the district. The governing body shall not consider any matters not pertinent to the preservation of the historic aspect and nature of the district. Upon giving approval, the governing body shall issue a certificate of appropriateness authorizing a permit for the erection, reconstruction, alteration, restoration, demolition or razing of a building, in whole or in part. Disapproval of the governing body shall be in writing, giving reasons therefor, and a copy thereof shall be given to the applicant, to the agency issuing permits and to the Pennsylvania Historical and Museum Commission.

Procedure upon approval.

Procedure upon disapproval.

Notices to applicant.

(c) Any person applying for a building permit within a historic district shall be given notice of the meeting of the Board of Historical Architectural Review which is to counsel the governing body, and of *the meeting of the governing body which is to consider the granting of a certificate of appropriateness for the said permit, and may appear before the said meetings to explain his reasons therefor. In the event of a failure to recommend, the board, and, in the event of its disapproval, the governing body shall also indicate what changes in his plans and specifications would meet its conditions for protecting the distinctive historical character of the historic district.

(d) Any person aggrieved by failure of the agency charged by law or by local ordinance to issue a permit for such building changes by reason of the disapproval

* "the" omitted in original.

of the governing body may appeal therefrom in the same manner as appeals from decisions of the agency charged by law or by local ordinance with the issuance of permits for such building changes.

Section 5. The agency charged by law or by local ordinance with the issuance of permits for the erection, demolition or alteration of buildings within the historic district shall have power to institute any proceedings, at law or in equity, necessary for the enforcement of this act or of any ordinance adopted pursuant thereto, in the same manner as in its enforcement of other building, zoning or planning legislation or regulations.

Enforcement of provisions of act.

Section 6. The provisions of this act are severable and, if any of its provisions shall be held unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein. The provisions of this act shall not be construed to limit the powers and duties assigned to the Pennsylvania Historical and Museum Commission.

Severability.

Section 7. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 13th day of June, A. D. 1961.

DAVID L. LAWRENCE

No. 168

AN ACT

Amending the act of April 18, 1949 (P. L. 512), entitled "An act relating to the administration and distribution of decedents' estates, trust estates, minors' estates and absentees' estates, both as to real and personal property, and the procedure relating thereto; including the disposition of such estates or portions thereof and the determination of title thereto without the appointment of a fiduciary in certain cases; the appointment, bond, removal and discharge of fiduciaries of such estates, their powers, duties and liabilities; the rights of persons dealing with such fiduciaries, and the rights of persons claiming an interest in such estates or in property distributed therefrom whether as claimants or distributees, and containing provisions concerning guardians of the person of minors, the powers, duties and liabilities of sureties and of foreign fiduciaries, the abatement, survival and control of actions and rights of action, and the presumption of death; and also generally dealing with the jurisdiction, powers and procedure of the orphans' court and of the register of wills in all matters relating to fiduciaries," changing provisions relating to the order of payment of claims against estates.